

A Public Hearing was held July 13, 2006 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. The purpose of the meeting was to hear public comment on the Marilla Fire Company, Inc. obtaining a loan in the amount of \$50,000 from Manufacturers and Traders Trust Company for the purpose of reconstructing the Marilla Fire Hall including, but not limited to , roof replacement, insulation and gutters. The Town Clerk published the notice of the public hearing in the Alden Advertiser, the Elma Review and East Aurora Advertiser as well as posting it on the Official Bulletin Board pursuant to the provisions of the Town Law. Officials present were:

Absent: John R. Foss, Supervisor  
Barbara Spanitz, Councilman  
Fred Specht, Councilman  
George Gertz, Deputy Supervisor  
Warren Handley, Councilman

Approximately (8) persons were in attendance. Deputy Supervisor Gertz asked if there was any interested person who desired to be heard. Hearing no comment the Public Hearing was closed at 7:34 pm.

Respectfully Submitted,

\_\_\_\_\_ Town Clerk

---

Regular Meeting  
July 13, 2006

A Regular Meeting of the Marilla Town Board was held July 13, 2006 at 7:35 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York.

Officials present were:

Absent: John R. Foss, Supervisor  
Barbara Spanitz, Councilman  
Fred Specht, Councilman  
George Gertz, Deputy Supervisor  
Warren Handley, Councilman

Deputy Supervisor Gertz called the meeting to order and the Pledge of Allegiance to the Flag was given.

**Communications**

None

**Committee Reports**

Highway Superintendent Dave Pierce reported that the Town roadsides have been mowed for the second time. Coleman Road was blacktopped, Bear Road was chip sealed and Webster Lane was micro paved. Four Rod Road from Liberia to 20A will be closed from July 17<sup>th</sup> to September 1<sup>st</sup> for three culvert pipe replacements.

Councilman Spantiz reported that the Planning Board will meet next Thursday, July 20<sup>th</sup> at 7:00 p.m. at the Marilla Town Hall.

Councilman Specht reported that attendance was low at a Lovell Safety Meeting he attended. He stated that the Car Show will be at the end of the month and this Saturday is Bike for Ben and the Civil War Re-enactment on Saturday and Sunday and Wallfest on Sunday. Everything is going well.

Councilman Handley reported that the Concert and Cake Walk last weekend was a lot of fun, 18 cakes were donated. Root beer floats were offered by the Friends of the Library and the Alden Akron Band performed. There will be a concert on August 23<sup>rd</sup> with Glen

Colton performing and on August 27<sup>th</sup> we will be celebrating Ag Day with many activities and the Marilla Fire Company, the Paul Zittel Band will be performing.

Deputy Supervisor Gertz reported that he attended an Association of Towns Meeting with Supervisor Foss. The County will be installing a new radio system, he was informed by the County on the Bird Flu epidemic; don't touch any dead birds and if you see dead crows call the DEC. The Code Book revisions are done and will soon be on-line and we will be holding public hearings on the revisions.

Deputy Supervisor Gertz read a written report from Supervisor Foss; The Town has finished its grant application for the current round of PACE funding and it has been received in Albany before the deadline. Connie Minor from Elma reworked the previous application and it looks very good. There has also been an increase in the amount of funds for the program and hopefully we will have a successful grant application. The current negotiations on the Wigler and Janiga properties are about finished and we should see some final results in the next 2 months. Earlier this year Earl Gingerich Jr. and Councilman Handley proposed we reconsider the PACE purchase of the Kolbe Property. At the meeting more information was requested such as number of work acres, wet land acres, and the facts concerning the wetland violations. To date the Town has not received any information and talks can not proceed until the applicants supply the needed information. Hopefully this information will soon be provided.

#### **Open Board Presentations From the Public**

None

#### **Old Business**

Motion: Councilman Specht moved, seconded by Councilman Handley to approve the minutes from the Regular Board Meeting held on 6/8/06. Motion Carried.

#### **New Business**

Motion: Councilman Spantiz moved, seconded by Councilman Handley to approve the following resolution:

WHEREAS, the Marilla Fire Company, Inc. has requested that the Town of Marilla conduct a public hearing on and approve the Marilla Fire Company, Inc's obtaining of a loan in the amount of \$50,000 from Manufacturers and Traders Trust Company for the purpose of reconstructing the Marilla Fire Hall including, but not limited to, roof replacement, insulation and gutters; and

WHEREAS, the Town Board, at the request of the Marilla Fire Company, Inc., has duly conducted the required public hearing on July 13, 2006 and has determined that the obtaining of the loan and the reconstruction of the Marilla Fire Hall are in the best interest of the Town and the Marilla Fire Company, Inc.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board hereby determines that the public hearing required under Section 103 of the Internal Revenue Service Regulations has been duly held before the Town Board on July 13, 2006.
2. The Town Board does hereby authorize the Marilla Fire Company, Inc. to obtain a loan in the amount of \$50,000 from Manufacturers and Traders Trust Company for the purpose of renovation the Marilla Fire Hall, including, but not limited to, roof replacement, insulation and gutters and to execute and deliver such documents and other instruments required for such purpose.
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on July 13, 2006, the results of which were as follows:

Roll Call Vote:

Councilman Spanitz – Aye  
Councilman Handley – Aye  
Motion Carried.

Councilman Specht – Aye  
Deputy Supervisor – George Gertz

Motion: Councilman Spanitz moved, seconded by Councilman Specht to approve the following resolution:

WHEREAS, the Erie County Legislature has proposed a four (4) year plan that would eliminate Sheriff Road Patrols, transfer County Roads to local control, increase sales taxes and increase County property taxes; and

WHEREAS, the four year plan doesn't do anything to reduce spending, it only shifts the costs to other municipalities and funds additional costs through tax increases without any serious attempt to resolve the underlying mismanagement of the County budget.

NOW, THEREFORE, BE IT RESOLVED

1. That the Town Board of the Town of Marilla opposes to the proposals contained in the four year plan and believes that such proposals will create a serious and unfair burden on the small rural municipalities in the County, including the Town of Marilla.
2. That the Town Clerk is directed to forward copies of this resolution to the Erie County Executive Joel Giambra, all Erie County Legislators, the Village of Akron and the Towns of Alden, Brant, Boston, Clarence, Colden, Collins, Concord, Holland, Elma, Newstead, North Collins, Sardinia and Wales.
3. This resolution shall be effective immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on July 13, 2006, the results of which were as follows:

Roll Call Vote:

Councilman Spanitz – Aye  
Councilman Handley – Aye  
Motion Carried.

Councilman Specht – Aye  
Deputy Supervisor – George Gertz

Motion: Councilman Spanitz moved, seconded by Councilman Specht to authorize the Supervisor to answer County Executive Joel Giambra on Road Patrols. Motion Carried.

### **Report of Town Officials**

Town Engineer Marie Nowak had no report.

Building Inspector John Fronczek submitted a written report with 8 building applications received with fees totaling \$1,031, 8 building permits issued with a total value of \$289,300.00 ( 1- residential, 3- additions, 1-accessory, 3 misc.), 8 inspections were made and no complaints were received for the month of June 2006. A total of 156 official code enforcement activities were performed in the month of June.

The Planning Board’s next meeting will be July 20<sup>th</sup> at 7:00 p.m. and the minutes have been received and posted.

The Conservation Advisory minutes have been received and posted.

**Open Board Presentations**

Deputy Supervisor Gertz stated that the flag lot application was withdrawn from Garrison’s, there will not be a public hearing on it.

Motion: Councilman Handley moved, seconded by Councilman Specht to approve the claims as follows:

General Fund Claims, Vouchers 241-321	\$ 34,548.67
Highway Fund Claims, Vouchers 112-142	\$ 63,453.16
Special Districts	
Sanitation (SR), Vouchers 66-79	\$ 24,968.79
Special Fire Voucher 6	\$ 2,533.19
Water District #2, Vouchers 15-18	\$ 6,258.93
Water District #3 Vouchers 8-9	\$ 2,706.80
Water District #4 Vouchers 6-8	\$ 2,884.80
Community Develop. PACE 5	\$ 975.00
Community Develop. HUD	\$ .00

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to adjourn the meeting at 7:50 p.m. Motion Carried.

Respectfully submitted,

\_\_\_\_\_Town Clerk

\_\_\_\_\_Supervisor

\_\_\_\_\_Councilman

\_\_\_\_\_Councilman

\_\_\_\_\_Councilman

\_\_\_\_\_Councilman